REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Applicants thank the Examiner for allowing claims 64-67 and 69.

Claims 48-62 and 64-71 were pending. By way of the present Reply, claims 48, 53-54, 56, 58, 61, and 68 are currently amended and claims 52, 60, 62, and 70-71 are cancelled. Claims 48-51, 53-59, 61, and 64-69 are still pending in the application and are submitted for consideration.

Foreign Priority

Applicants thank the Examiner for acknowledging Applicants' claim to foreign priority and for checking boxes 12 and 12(a) on form PTOL-326 reflecting the acknowledgment. Applicants, however, respectfully request that in the next communication to Applicants, the Office also acknowledge receipt of the certified copies of the priority documents. A certified copy of the foreign priority application was received on March 29, 2006 by the Office as shown in PAIR.

Information Disclosure Statement

Applicants acknowledge with thanks the indication that the IDS submitted on August 6, 2009 is being considered.

Rejections of claims 48, 56, 58, 68, and 70 based on Cooklev

Claims 48, 56, 58, 68, and 70 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,574,218 ("Cooklev"). Claim 70 has been cancelled. Therefore, the rejection of claim 70 is moot.

Independent claim 48 requires, amongst other things, decision means "based on at least one of the following events (i) and (ii): (i) comparing the number of encoded data actually acquired in a preset period and the number of encoded data expected to be acquired in said period, and (ii) whether or not succeeding in acquiring encoded data upon attempting to acquire the encoded data in a preset period." Independent claims 56 and 68 recite similar subject matter to that of claim 48.

The aforementioned recited subject matter of claim 48 is similar and/or analogous to the subject matter included in allowed claim 69. Accordingly, claims 48, 56, and 68 are allowable for at least the same reasons that claim 69 is allowable. Claim 58 depends from independent claim 56 and is therefore allowable for at least the reasons that claim 56 is allowable without regard to further patentable subject matter cited therein. Applicants respectfully request reconsideration and withdrawal of the outstanding 35 U.S.C. § 102 rejection.

Rejections of claims 49-55, 57, 59-62, and 71 based on Cooklev and Joseph

Claims 49-55, 57, 59-62, and 71 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Cooklev in view of U.S. Patent No. 6,973, 024 ("Joseph"). Claims 52, 60, 62, and 71 have been cancelled. Therefore, the rejection of claims 52, 60, 62, and 71 is moot.

Claims 49-51, 57, and 59 depend from independent claims 48 or 56 and are therefore allowable for at least the reasons that claims 48 and 56 are allowable, as set forth above, without regard to further patentable subject matter cited therein.

Additionally, regarding claim 49, the Office correctly acknowledges on page 12 of the Office Action that Cooklev fails to disclose, "first decision means for deciding on whether encoded data from said line-switched network has been delayed in arrival or lost; and first control means for performing control so that, if the result of said decision indicates that said encoded data has been delayed in arrival or lost, encoded data for causing a destination terminal of transmission on said packet-switched network to execute error concealment processing is generated or the encoded data acquired is discarded." (Office Action, pg. 12). The Office relies on Joseph to remedy the deficiencies of Cooklev. Applicants respectfully disagree.

Joseph is directed to a method and apparatus for switching between a first network element, such as a standby modem element, and a second network element, such as a main or active modem element. (Joseph, col. 2, lines 3-6). Joseph discloses that data flowing from a packet network 18 is processed by a switch egress module 20 and then egress data is forwarded to multiple modem elements. (Joseph, col. 5, lines 8-16). A switchover is performed in anticipation of a failure or overload condition on a modem element. (Joseph, col. 5, lines 46-49). The switchover takes place after a standby modem element 22 has been

switched into service due to a failure of a main modem element 24. (Joseph, col. 5, lines 49-52). Thus, Joseph discloses switching from one system to another system which is not analogous to discarding data or generating data during a communication. Thus, Joseph fails to disclose, teach, or suggest, "first decision means for deciding on whether encoded data from said line-switched network has been delayed in arrival or lost; and first control means for performing control so that, if the result of said decision indicates that said encoded data has been delayed in arrival or lost, encoded data for causing a destination terminal of transmission on said packet-switched network to execute error concealment processing is generated or the encoded data acquired is discarded," as recited in claim 49.

Claims 53 and 57 recites similar and/or analogous subject matter to that previously discussed regarding claim 49. Accordingly, claim 53 is allowable and claim 57 is additionally allowable for at least the same reasons that claim 49 is allowable. Claim 55 depends from independent claim 53 and therefore is allowable for at least the same reasons as claim 53.

On page 22 of the Office Action, the Office correctly acknowledges that Cooklev fails to disclose, "second control means for performing control so that, if the result of decision indicates that the encoded data from said line-switched network has been delayed in arrival or lost, data is generated by error concealment processing, or the acquired encoded data is discarded; second decoding means for decoding the encoded data from said packet-switched network, as processed by said second control means, and for outputting the resulting decoded data; and second encoding means for encoding the data obtained from said error concealment processing from said second control means and said decoded data from said second decoding means in accordance with an encoding system different from the encoding system for said encoded data from said packet-switched network," as recited in claim 54. The Office relies on Joseph to cure the deficiencies of Cooklev. (Office Action, pgs. 22-23). Applicants respectfully disagree.

Joseph is directed to a method and apparatus for switching between a first network element, such as a standby modem element, and a second network element, such as a main or active modem element. (Joseph, col. 2, lines 3-6). Joseph discloses that data flowing from a packet network 18 is processed by a switch egress module 20 and then egress data is forwarded to multiple modem elements. (Joseph, col. 5, lines 8-16). A switchover is

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performed in anticipation of a failure or overload condition on a modem element. (Joseph, col. 5, lines 46-49). The switchover takes place after a standby modem element 22 has been switched into service due to a failure of a main modem element 24. (Joseph, col. 5, lines 49-52). Thus, Joseph discloses switching from one system to another system which is not analogous to discarding data or generating data during a communication. Thus, Joseph fails to disclose, teach, or suggest, "second control means for performing control so that, if the result of decision indicates that the encoded data from said line-switched network has been delayed in arrival or lost, data is generated by error concealment processing, or the acquired encoded data is discarded; second decoding means for decoding the encoded data from said packet-switched network, as processed by said second control means, and for outputting the resulting decoded data; and second encoding means for encoding the data obtained from said error concealment processing from said second control means and said decoded data from said second decoding means in accordance with an encoding system different from the encoding system for said encoded data from said packet-switched network," as recited in claim 54.

* * *

For at least the foregoing reasons, Applicants respectfully request reconsideration and withdrawal of the outstanding 35 U.S.C. § 103 rejection.

Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date _____12/22/2009_____   By _____

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